

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**CHRISTIAN C. DENOFA**

**Debtor**

:  
:  
:

**BK. No. 19-15752 AMC**

**Chapter No. 13**

**FREEDOM MORTGAGE CORPORATION**

**Movant**

**v.**

**CHRISTIAN C. DENOFA**

**Respondent**

**11 U.S.C. §362**

**MOTION OF FREEDOM MORTGAGE CORPORATION FOR RELIEF FROM  
AUTOMATIC STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE  
4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor CHRISTIAN C. DENOFA A/K/A CHRISTIAN DENOFA.

1. Movant is **FREEDOM MORTGAGE CORPORATION**.
2. Debtor, CHRISTIAN C. DENOFA A/K/A CHRISTIAN DENOFA is the owner of the premises located at **3701 CLARENDON AVE, PHILADELPHIA, PA 19114**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As of December 5, 2019, Debtor has failed to tender post-petition mortgage payments for the months of October 2019 through December 2019. The monthly payment amount for the months of October 2019 through December 2019 is \$1,326.39 each, for a total amount due of \$3,979.17. The next payment is due on or before January 1, 2020 in the amount of \$1,326.39. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. Movant, **FREEDOM MORTGAGE CORPORATION**, requests the Court

award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

11. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **3701 CLARENDON AVE, PHILADELPHIA, PA 19114** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire  
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